

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SCOTT MAIONE and TASHA OSTLER,
(on behalf of their three infant children)

Index No. 18-cv-7452
(KMK)

Plaintiffs,
-against-

DR. HOWARD A. ZUCKER, Commissioner of the New York State Department of Health, The New York State Department of Health, SAMUEL D. ROBERTS, Commissioner of the New York State Office of Temporary and Disability Assistance-Office of Administrative Hearings, The Office of Temporary and Disability Assistance-Office of Administrative Hearings, JOAN SILVESTRI, Commissioner, Rockland County Dept. of Social Services, and SUSAN SHERWOOD, former Commissioner of Rockland County Dept. of Social Services,

NOTICE OF MOTION

Defendants

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MOTION BY:

THOMAS E. HUMBACH, County Attorney
Attorneys for defendants JOAN SILVESTRI, Commissioner, Rockland County Dept. of Social Services, and SUSAN SHERWOOD, former Commissioner of Rockland County Dept. of Social Services (collectively “County Defendants”)
by Lorraine S. Feiden, Principal Assistant County Attorney

MOTION TIMING SCHEDULE:

Pursuant to the briefing schedule ordered by Hon. Kenneth M. Karas, U.S.D.J., opposition papers are to be served by June 30, 2021 and reply papers are to be served by July 14, 2021, or such other and further schedule as may be determined by the Court.

SUPPORTING PAPERS:

Declaration of Lorraine S. Feiden, Esq., together with Exhibits; the and Memorandum of Law in Support.

RELIEF REQUESTED:

An Order:

- 1) Dismissing Plaintiffs' Second Amended Complaint pursuant to Rules 12(b)(1), (5) and (6) of the Federal Rules of Civil Procedure; and
- 2) For such other and further relief as this Court deems just and proper.

Dated: June 4, 2021
New City, New York

THOMAS E. HUMBACH
County Attorney
Attorneys for County Defendants
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By: /s/ Lorraine S. Feiden

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